

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

DODORA UNIFIED COMMUNICATIONS,
INC.,

Plaintiff,

V.

DIRECT INFORMATION PVT. LTD.
Defendant.

Civil Action No.
05-10016-NMG

**REQUEST TO TAX COSTS IN FAVOR OF DIRECTI, TO CONSIDER REQUEST
UNDER MASS. G.L. c. 231, §6F, FOR FEES AND COSTS, AND
FOR ENTRY OF FINAL JUDGMENT IN FAVOR OF DIRECTI**

The defendant, Direct Information Pvt. Ltd. (“Directi”), prevailed after a three day jury trial on all counts of the complaint against it. Since then, the docket has indicated that the case has been “closed.” However, no final judgment has ever entered, despite a purported notice of appeal being filed by the plaintiff, Dodora Unified Communications, Inc. (“Dodora”). Directi also did not have the opportunity to present its bill of costs as the prevailing party under Rule 54(d)(1), which costs should be awarded in favor of Directi. Directi also submitted a request that the Court consider granting it, in addition, attorneys’ fees under Mass. G.L. c. 231, §6F.

The Court has not acted on Directi's requests, Directi assumes, because the case was terminated. However, the First Circuit has now dismissed Dodora's appeal as premature and apparently expects that this Court will enter formally a final judgment. In that regard, Directi therefore requests that the Court tax costs in favor of Directi, based on the attached affidavit of costs, and award fees to Directi under G.L. c. 231, §6F, and then enter final judgment in favor of

Directi. With regard to the request under G.L. c. 231, §6F, Directi will provide an affidavit of fees if the Court is inclined to consider that request.

WHEREFORE, Directi respectfully requests that the Court award it its costs under F.R.C.P. 54(d)(1), in accordance with the affidavit attached; under Mass. G. L. c. 231, §6F, award it its attorneys fees and costs after a separate finding, authorizing same; and enter a final judgment in favor of Directi.

Respectfully submitted,

DIRECT INFORMATION PVT. LTD.,
By its attorneys,

s/Dustin F. Hecker

Dustin F. Hecker, Esq., BBO# 549171
Nancy J. Puleo, Esq., BBO 648457
POSTERNAK BLANKSTEIN & LUND LLP
The Prudential Tower
800 Boylston Street
Boston, MA 02199
(617-973-6100)

Dated: October 12, 2005

CERTIFICATE OF SERVICE

I, Dustin F. Hecker, hereby certify that on this 12th day of October, 2005, I caused a copy of the foregoing to be served pursuant to the Court's cm/ecf system and by regular mail, to: David Baker, Esq., 105 Union Wharf, Boston, Massachusetts 02109.

s/Dustin F. Hecker

Dustin F. Hecker

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

DODORA UNIFIED COMMUNICATIONS,
INC.,

Plaintiff,

v.

DIRECT INFORMATION PVT. LTD. and
ANSWERABLE, INC.,
Defendants.

Civil Action No.
05-10016-NMG

AFFIDAVIT OF DUSTIN F. HECKER

Dustin F. Hecker, being duly sworn, deposes and says as follows:

1. I am an attorney at law admitted to practice before this Court. I represent the defendant, Direct Information Pvt. Ltd. ("Directi"). I make the following statements of my own knowledge, except as to those matters set forth in this Affidavit as being based on my belief or understanding. With respect to the latter, I believe them to be true.
2. Directi took three depositions in this case, a two-day deposition of the plaintiff, a short deposition of Michael Bernstein (the receiver), and a shorter deposition of a corporate designee from Bravenet.com. The plaintiff's testimony was presented live at trial, but the deposition was needed for trial preparation and cross-examination purposes. The testimony of Mr. Bernstein and Bravenet was presented wholly through those depositions.
3. I have attached invoices for those deposition transcripts (one of which is in Canadian dollars) as Exhibit A. The total fees paid for those transcripts was \$1,848.80.

4. We also incurred \$409.30 in photocopying costs, which Directi paid. I have attached portions of our legal bills documenting those expenses.
5. Directi also paid for \$242.00 in process server or sheriff's fees for the above depositions and to serve certain subpoenas duce tecum on third-parties for documents.
6. In total, the costs Directi seeks under F.R.C.P. 54(d)(1) are \$2,500.10.

Sworn to under the pains and penalties of perjury this 12th day of October, 2005.

s/Dustin F. Hecker

Dustin F. Hecker

Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
(617) 973-6100

February 4, 2005

Bill	#:	170911
Client	#:	14386
Matter	#:	2

In Account
With

Direct Information Pvt. Ltd.
330, Link-Way Estate, Linking Road, Malad (W)
Bombay,
Maharashtra 400
064

In the

Matter of Dodora (Pltf), Logicboxes, etc. (Pltfs)

Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
February 4, 2005

Bill	#:	170911
Client	#:	14386
Matter	#:	2
Page	#:	3

Photocopies	\$	44.20
Messenger/Courier Delivery Service		9.00
Postage Meter		0.37

Total Costs Advanced	\$	53.57
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Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
(617) 973-6100

March 9, 2005

Bill	#:	171474
Client	#:	14386
Matter	#:	2

In Account
With

Direct Information Pvt. Ltd.
330, Link-Way Estate, Linking Road, Malad (W)
Bombay,
Maharashtra 400
064

In the
Matter of Dodora (Pltf), Logicboxes, etc. (Pltfs)

Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
March 9, 2005

Bill	#:	171474
Client	#:	14386
Matter	#:	2
Page	#:	3

Costs Advanced:

Photocopies	\$	10.00
Messenger/Courier Delivery Service		40.00
Lexis		170.75

Taxpayer Identification Number 04-2696663

Disbursements may have been incurred which are not reflected in this invoice. An additional invoice covering any such disbursements will be sent to you.

PLEASE RETURN A COPY OF THIS INVOICE WITH YOUR PAYMENT

Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
March 9, 2005

Bill	#:	171474
Client	#:	14386
Matter	#:	2
Page	#:	4

Fax charges	3.00
Stenographic Services	134.64
Postage Meter	5.89
Taxi	12.00

Total Costs Advanced	\$	376.28
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Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
(617) 973-6100

April 8, 2005

Bill	#:	172063
Client	#:	14386
Matter	#:	2

In Account
With

Direct Information Pvt. Ltd.
330, Link-Way Estate, Linking Road, Malad (W)
Bombay,
Maharashtra 400
064

In the
Matter of Dodora (Pltf), Logicboxes, etc. (Pltfs)

Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
April 8, 2005

Bill	#:	172063
Client	#:	14386
Matter	#:	2
Page	#:	3

Costs Advanced:

Photocopies	\$	95.50
Messenger/Courier Delivery Service		18.00

Taxpayer Identification Number 04-2696663

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Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
April 8, 2005

Bill	#:	172063
Client	#:	14386
Matter	#:	2
Page	#:	4

Overnight Mail Delivery	51.88
Long Distance Phone Expenses	1.30
Postage Meter	6.49
Westlaw	64.56

Total Costs Advanced	\$	237.73
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Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
(617) 973-6100

	May 6, 2005	
Bill	#:	172717
Client	#:	14386
Matter	#:	2

In Account
With Direct Information Pvt. Ltd.
330, Link-Way Estate, Linking Road, Malad (W)
Bombay,
Maharashtra 400
064

In the
Matter of Dodora (Pltf), Logicboxes, etc. (Pltfs)

Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
May 6, 2005

Bill	#:	172717
Client	#:	14386
Matter	#:	2
Page	#:	4

Costs Advanced:

Photocopies	\$	128.60
Sheriff's Fee		77.00
Fax charges		54.00
Long Distance Phone Expenses		1.70
Postage Meter		5.95
On-line charges/ Sec of State/Courts		10.88

Total Costs Advanced	\$	278.13
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Bill Total

Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
(617) 973-6100

June 24, 2005

Bill	#:	173845
Client	#:	14386
Matter	#:	2

In Account
With

Direct Information Pvt. Ltd.
330, Link-Way Estate, Linking Road, Malad (W)
Bombay,
Maharashtra 400
064

In the

Matter of Dodora (Pltf), Logicboxes, etc. (Pltfs)

Direct Information Pvt. Ltd.
 Dodora (Pltf), Logicboxes, etc. (Pltf
 June 24, 2005

Bill	#:	173845
Client	#:	14386
Matter	#:	2
Page	#:	7

outline of R. G. and

Costs Advanced:

Photocopies	\$	128.80
Messenger/Courier Delivery Service		95.00
Process Service Fees		165.00
Deposition		1,593.05
Lexis		497.00
Overnight Mail Delivery		51.08
Fax charges		86.00
Stenographic Services		327.03
Long Distance Phone Expenses		7.63
Postage Meter		0.37
Westlaw		1,836.65
Long Distance Phone Expense		100.00

Taxpayer Identification Number 04-2696663

Disbursements may have been incurred which are not reflected in this invoice. An additional invoice covering any such disbursements will be sent to you.

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Direct Information Pvt. Ltd.
Dodora (Pltf), Logicboxes, etc. (Pltf
June 24, 2005

Bill	#:	173845
Client	#:	14386
Matter	#:	2
Page	#:	8

Parking	33.00
Taxi	70.00

Total Costs Advanced	\$	4,990.61
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Taxpayer Identification Number 04-2696663

Disbursements may have been incurred which are not reflected in this invoice. An additional invoice covering any such disbursements will be sent to you.

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DRAFT

DRAFT

DRAFT

DRAFT

Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
(617) 973-6100

August 9, 2005

Bill	#:	0
Client	#:	14386
Matter	#:	2

In Account
With

Direct Information Pvt. Ltd.
330, Link-Way Estate, Linking Road, Malad (W)
Bombay,
Maharashtra 400
064

In the
Matter of Dodora (Pltf), Logicboxes, etc. (Pltfs)

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Costs Advanced:

Photocopies
Deposition
Lexis
Postage Meter
Westlaw

\$

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2.20
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26.00
1.48
527.59

DRAFT

DRAFT

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DRAFT

Jones Reporting Company, Inc.**Invoice**Please visit our website at www.jonesreporters.com

Two Oliver Street, Suite 804

Boston, MA 02109

Phone: (617) 451-8900

Fax: (617) 451-3535

Invoice Date

Thursday, April 21, 2005

Invoice #

2675FR

Dustin F. Hecker
 Posternak Blankstein & Lund
 800 Boylston Street
 Boston, MA 02199

Phone: (617) 973-6167 Fax:

Witness: Ronald Garraud, pp 1-204**Case:** Dodora Unified Comm vs. Direct Information**Venue:****Case #:****Date:** 4/12/2005**Start Time:** 10:00 AM**End Time:** 4:10 PM**Reporter:** *Daria Romano**Claim #:****File #:**

2897FR

Item	Description	Each	Quan	Total
O	Original Transcript	\$3.40	204	\$693.60
CTCA	Condensed Transcript & ASCII	\$0.00	1	\$0.00
DE	Delivery	\$7.00	1	\$7.00
Sub Total				\$700.60
Payments				\$0.00
Balance Due				\$700.60

Fed. I.D. # 86-1100261

Please return an invoice copy with your payment.

Jones Reporting Company, Inc.**Invoice**Please visit our website at www.jonesreporters.com

Two Oliver Street, Suite 804

Boston, MA 02109

Phone: (617) 451-8900

Fax: (617) 451-3535

Invoice Date

Thursday, April 21, 2005

Invoice #

2676FR

Dustin F. Hecker
 Posternak Blankstein & Lund
 800 Boylston Street
 Boston, MA 02199

Phone: (617) 973-6167 Fax:

Witness: Ronald Garraud, Vol 2, pp 205-329**Case:** Dodora Unified Comm vs. Direct Information**Venue:****Case #:****Date:** 4/14/2005**Start Time:** 9:00 AM**End Time:** 12:25 PM**Reporter:** *Caroline Renault**Claim #:****File #:**

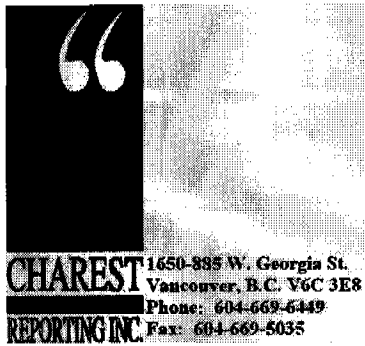
2946FR

Item	Description	Each	Quan	Total
O	Original Transcript	\$3.40	125	\$425.00
CTCA	Condensed Transcript & ASCII	\$0.00	1	\$0.00
Sub Total				\$425.00
Payments				\$0.00
Balance Due				\$425.00

Fed. I.D. # 86-1100261

Please return an invoice copy with your payment.

Invoice



DATE	INVOICE NO.
5/31/2005	251853

BILL TO

Posternak Blankstein & Lund
Prudential Tower, 800 Boylston Street
Boston MA 02199-8004
Attn: Mr. D. Hecker

TERMS	DUE DATE	SHIP VIA
C.O.D.	5/31/2005	Courier

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Attendance	Fee for May 31, 2005 Minimum 1/2 day attendance	3	45.00	135.00T
Transcript	Date of Discovery: May 31, 2005 Style of Cause: Dodora Unified Communications v. Direct Information PVT Examination of: Jerrett Taylor by Mr. Hecker Original and Copy	22	5.85	128.70T
Delivery	Overnight UPS to U.S.	1	35.00	35.00T
	Total GST			20.91
Total				\$319.61

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CHAREST REPORTING INC.

BN 88241 5383

→ \$255.75
(USD)

Collins Realtime Reporting

600 North Pearl Street

Suite 640

Dallas, TX 75201

Phone: (214) 220-2449 Fax: (214) 220-2777

Job #: 050526DLC

Job Date: 05/26/2005

Order Date: 05/26/2005

DB Ref.#:

Date of Loss: / /

Your File #:

Your Client: Direct Information



Invoice #: 46388

Inv.Date: 06/06/2005

Balance: \$0.00

Bill To:

Mr. Dustin F. Hecker
Posternak, Blankstein & Lund, LLP
800 Boylston Street
Prudential Tower
Boston, MA 02199

Action: Dodora

VS

Direct I

Action #:

Rep: Donna L. Collins

Cart: 1086

Michael Bernstein

Original Deposition

\$467.45

Comments:

We accept all major credit cards

Sub Total \$467.45

Shipping \$0.00

Tax \$0.00

Total Invoice \$467.45

Payment \$467.45

Balance Due \$0.00

Federal Tax I.D.: 75-1907111

Terms: Due Upon Receipt

Please KEEP THIS PART for YOUR RECORDS.

Please FOLD then TEAR HERE and RETURN THIS PART with PAYMENT.

Bill To:

Mr. Dustin F. Hecker
Posternak, Blankstein & Lund, LLP
800 Boylston Street
Prudential Tower
Boston, MA 02199

Deliver To:

Mr. Dustin F. Hecker
Posternak, Blankstein & Lund, LLP
800 Boylston Street
Prudential Tower
Boston, MA 02199



Invoice #: 46388

Inv.Date: 06/06/2005

Balance: \$0.00

Job #: 050526DLC

Job Date: 05/26/2005

DB Ref.#:

Date of Loss: / /

Your File #:

Your Client: Direct Information

Collins Realtime Reporting
600 North Pearl Street
Suite 640
Dallas, TX 75201

Phone: (214) 220-2449

Fax: (214) 220-2777